

1                                   A bill to be entitled  
 2           An act relating to takings claims within areas of  
 3           critical state concern; creating s. 380.0501, F.S.;  
 4           providing for the apportionment of awards of damages  
 5           for takings claims within areas of critical state  
 6           concern; directing the state land planning agency to  
 7           commission an updated hurricane evacuation model;  
 8           providing a limitation on liability; providing an  
 9           effective date.

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 11 Be It Enacted by the Legislature of the State of Florida:

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 13           Section 1. Section 380.0501, Florida Statutes, is created  
 14 to read:

15           380.0501 Apportionment of awards of damages for takings  
 16 claims within an area of critical state concern.—

17           (1) In any state court proceeding brought for inverse  
 18 condemnation or any other property-rights related action for  
 19 compensation in which the state is named as a codefendant with a  
 20 local government located in an area of critical state concern or  
 21 named as a third-party defendant by a local government located  
 22 in an area of critical state concern, the court shall require  
 23 the state and the local government to each pay half of any award  
 24 of compensation, costs, attorney fees, and prejudgment interest  
 25 to the property owner if:

26        (a) The court has found liability against both the state  
27 and the local government; and

28        (b) The regulation restricting development or use of the  
29 property was mandated or approved by the state land planning  
30 agency or the Administration Commission under s. 380.05.

31        (2) The state court shall enter separate judgments for the  
32 apportioned amount against the state and the local government.

33        (3) A governmental entity named as a judgment debtor in a  
34 judgment entered under this section is only liable for  
35 postjudgment interest on the judgment entered against it and is  
36 not liable for postjudgment interest on the judgment entered  
37 against the other governmental entity. This section does not  
38 prohibit a court from awarding a separate judgment for costs and  
39 attorney fees pursuant to the limitations set forth in this  
40 section.

41        (4) If, before the effective date of this section, the  
42 court has entered a judgment jointly and severally against the  
43 state and a local government in a case that satisfies the  
44 conditions in subsection (1), the state shall reimburse the  
45 local government for 50 percent of the total amount paid by the  
46 local government to satisfy the judgment.

47        (5) If a federal court grants any award of compensation,  
48 costs, attorney fees, or prejudgment interest on a claim for  
49 inverse condemnation or any other property-rights related action  
50 against a local government located in an area of critical state

51 concern and the claim involves a land development regulation  
52 that was mandated or approved by the state land planning agency  
53 or the Administration Commission under s. 380.05, the state  
54 shall pay to the local government 50 percent of the total award,  
55 including compensation, costs, attorney fees, and interest, paid  
56 by the local government.

57 (6) Following receipt of the 2020 federal census data for  
58 the Florida Keys, the state land planning agency is directed to  
59 commission an updated hurricane evacuation model that uses the  
60 best available data and is conducted in accordance with a  
61 professionally accepted methodology to determine the clearance  
62 time for permanent residents to safely evacuate in the event of  
63 a hurricane.

64 (7) Notwithstanding any other provision of law, the state  
65 is not liable under this section for a growth-limiting  
66 regulation enacted solely at the discretion of a local  
67 government.

68 Section 2. This act shall take effect upon becoming a law.